

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

ERICA R. BARRETT, KATHLEEN D.)
VINCENT, CONNIE ENDERLE, EDWARD)
Q. INGERSON, II, PENNY M. KENOYER)
and GILBERT J. ONTIVEROS, individually)
and on behalf of all others similarly situated,)

Plaintiffs,

v.

O'REILLY AUTOMOTIVE, INC., THE)
BOARD OF DIRECTORS OF O'REILLY)
AUTOMOTIVE, INC., O'REILLY)
AUTOMOTIVE 401(K) PLAN)
INVESTMENT COMMITTEE and JOHN)
DOES 1-30,)

Defendants.

Case No. 6:22-3111-CV-S-BCW

**DEFENDANTS' NOTICE OF NON-OPPOSITION TO PLAINTIFFS'
MOTION FOR LEAVE TO FILE NEW RELEVANT AUTHORITIES (ECF NO. 57)**

Defendants O'Reilly Automotive, Inc. ("O'Reilly"), the Board of Directors of O'Reilly Automotive, Inc., the O'Reilly Automotive 401(k) Plan Investment Committee, and John Does 1-30 (collectively, "Defendants") respectfully submit this Notice to inform the Court that they do not oppose Plaintiffs' Motion For Leave To File New Relevant Authorities In Support Of Their Opposition To Defendants' Motion To Dismiss The First Amended Class Action Complaint (ECF No. 57). Defendants hereby further notify the Court that, if the Court grants Plaintiffs' Motion, upon Plaintiffs' filing of their Notice of Supplemental Authorities, Defendants intend to file a motion for leave to respond thereto.

Dated: April 11, 2023

Respectfully submitted,

/s/ Michael S. Hines

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O'Reilly Automotive, Inc., The Board of Directors

of O'Reilly Automotive, Inc., The O'Reilly

Automotive 401(k) Plan Investment Committee, and

John Does 1-30

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically with the United States District Court for the Western District of Missouri, Southern Division, on this eleventh day of April, 2023, with notice of case activity generated and sent electronically to all counsel of record.

/s/ Michael S. Hines